U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 1998-02280 PROJECT LOCATION INFORMATION: State: New Jersey County: Bergen Center eoordinates of site (latitude/longitude): lat:40-54-43.9200 lon:73-56-16.0800 Approximate size of area (parcel) reviewed, including uplands: 16 acres. Name of nearest waterway: Hudson River Name of watershed: **HUDSON RIVER - BATTERY TO YONKERS** JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: Site visit(s) Γ1 Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign eommerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Englewood and Alpine Boat Basins are located in the Hudson River, which is a tidal and navigable waterway.

[] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation []	High Tide Line indicated by: oil or seum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
[X] Mean High Water Mark indicated by: [] survey to available datum; [X] physical markings; [] vegetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached wetland d	elineation map and/or in a delineation report prepared by:
 [] Artificially irrigated areas, which would revert to uplate [] Artificial lakes and ponds created by exeavating and/or retain water and which are used exclusively for such rice growing. [] Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water f [] Water-filled depressions created in dry land incidenta the purpose of obtaining fill, sand, or gravel unless are abandoned and the resulting body of water meets the 328.3(a). [] Isolated, intrastate wetland with no nexus to interstate [] Prior converted cropland, as determined by the Natura 	s of 33 CFR part 328.3(a)(3). The following waters present on the site are not Waters of the relations, pursuant to 33 CFR part 328.3. The following waters present on the site are not Waters of the irrigation ceased. The diking dry land to collect and purposes as stock watering, irrigation, settling basins, or the ornamental bodies of water created for primarily aesthetic reasons. It to construction activity and pits excavated in dry land for ad until the construction or excavation operation is definition of waters of the United States found at 33 CFR commerce. The Resources Conservation Service. Explain rationale:
EVIEWED FOR JURISDICTIONAL DETERMINATION [X] Maps, plans, plots or plat submitted by or on behalf of the application of the ap	he applicant. plicant. , prepared by (company): t, dated , prepared by (company):
[[] [] [] [] [] [] [] [] [] [Ordinary High Water Mark indicated by:

DATA

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2004-00697

PROJECT LOCATION INFORMATION:

State: New Jersey
County: Hudson

Center coordinates of site (latitude/longitude): lat:40-45-59.0040 lon:74-4-58.0080

Approximate size of area (pareel) reviewed, including uplands: 60 acres.

Name of nearest waterway: Hackensack River
Name of watershed: HACKENSACK RIVER

JURISDICTIONAL DETERMINATION

Completed: Desktop determination [X] Date: July 7, 2004
Site visit(s) [X] Date(s): August 30, 2004

Jurisdictional Determination (JD):

United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not a	
(BG 22 GER+ 221)	ppealable
(Reference 33 CFR part 331).	

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [] *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [X] *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 7.08 acres.
 - [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
 [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[X] The presence of waters that are subject to the ebb and flow of the tide and/or arc presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the usc, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The site includes a portion of the Hackensack River, and Division Creck a tributary of the Hackensack River, with associated tidal and non-tidal emergent wetlands.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
	[] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[] physical markings/characteristics
	[] destruction of terrestrial vegetation	[] tidal gages
	[] shelving	[] other:
	other:	[] omen
	[] other.	
	[X] Mean High Water Mark indicated by:	
		gs; [] vegetation lines/changes in vegetation types.
	CVI Without househoods on shour as the ottoch of wattom	d delle setten men and/setin a delineation nemerican memoral has Centre
		d delineation map and/or in a delineation report prepared by: Casino
	Engineering	
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 CF.	R part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on th	
		hat the following waters present on the site are not Waters of
	the United States:	mat the following waters prosent on the she are not maters of
	[] Waste treatment systems, including treatment po	ands or lagoons, pursuant to 33 CFR part 328 3
	[] Artificially irrigated areas, which would revert t	
	[] Artificial lakes and ponds created by excavating	
		such purposes as stock watering, irrigation, settling basins, or
	rice growing.	parposes as stock watering, in the artist, setting sasting, or
	[] Artificial reflecting or swimming pools or other	small ornamental bodies of water created
	by excavating and/or diking dry land to retain w	
		dental to construction activity and pits excavated in dry land for
		ess and until the construction or excavation operation is
		s the definition of waters of the United States found at 33 CFR
	328.3(a).	sine definition of vaccis of the office states found at 33 of fe
	[] Isolated, intrastate wetland with no nexus to inte	erstate commerce
		Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavate	
	[] Other (explain):	d on dry land. Explain fationale.
	[] Office (explain).	•
DATA	REVIEWED FOR JURISDICTIONAL DETERMINAT	FION (mark all that apply):
	[X] Maps, plans, plots or plat submitted by or on beha	• • • • • • • • • • • • • • • • • • • •
	[X] Data sheets prepared/submitted by or on behalf of	
		lated October 14, 2004, prepared by (company): Chester, Ploussas,
	Lisowsky Partnership, LLP.	the control of the co
	[] This office does not concur with the delineation	report, dated , prepared by (company):
	Data sheets prepared by the Corps.	, Frharran - 2) (6h-1112).
	[] Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	
	[X] U.S. Geological Survey 7.5 Minute Topographic m	ans: Weehawkon
	[] U.S. Geological Survey 7.5 Minute Historic quadrat	
	[] U.S. Geological Survey 15 Minute Historic quadran	
	[] USDA Natural Resources Conservation Service Soil	
	[] National wetlands inventory maps:	our vey.
	State/Local wetland inventory maps:	
	[] FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[] Aerial Photographs (Name & Date):	
	[X] Other photographs (Date):	
	[] Advanced Identification Wetland maps:	004
	[X] Site visit/determination conducted on:August 30, 2	UV '4
	[] Applicable/supporting case law: [] Other information (please specify):	
	Omer miormation (picase specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: FILE NUMBER:

NEW YORK DISTRICT (CENAN)

2005-00666

PROJECT LOCATION INFORMATION:

State: New Jersey County: Bergen

Center coordinates of site (latitude/longitude): lat:40-52-18.9840 lon:74-2-18.9960

Approximate size of area (parcel) reviewed, including uplands: 13 acres.

Name of nearest waterway: Hackensack River Name of watershed: HACKENSACK RIVER

Desktop determination

JURISDICTIONAL DETERMINATION

Completed:

·	Site visit(s)	[]	Date(s):
Jurisdiction	nal Determination (JD):		
United S	•] there appear to be (or) [] there appear to be no "waters of the led States" on the project site. A preliminary JD is not appealable

Date:

September 29, 2005

[X]

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.49 acres.
 - [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The site includes a portion of the Hackensack River shoreline, Brosses Creek, a tributary to the Hackensack River, and wetland areas associated with both the Hackensack River and Brosses Creek.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR)	parts 328 and 329)
	[] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[] physical markings/characteristics
	[] destruction of terrestrial vegetation	[] tidal gages
		[] other:
	[] shelving	[] other:
	[] other:	•
	[X] Mean High Water Mark indicated by:	
	[X] survey to available datum; [] physical marking	rs: [] vegetation lines/changes in vegetation types
	[A] solvey to available datum, [] physical marking	s, [] vegetation intestendinges in vegetation types.
	[X] Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 CFR	part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on the	
		nat the following waters present on the site are not Waters of
	the United States:	
	[] Waste treatment systems, including treatment por	nds or Jagoons, pursuant to 33 CFR part 328.3.
	[] Artificially irrigated areas, which would revert to	
	[] Artificial lakes and ponds created by excavating	
		uch purposes as stock watering, irrigation, settling basins, or
	rice growing.	den purposes as stock watering, irrigation, setting basins, of
	[] Artificial reflecting or swimming pools or other s	small ornamental hodies of water erceted
	by excavating and/or diking dry land to retain wa	
		ental to construction activity and pits excavated in dry land for
		ss and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR
	[] Isolated, intrastate wetland with no nexus to inter	estate commerce
		atural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavated	on dry land. Explain fationale.
	[] Other (explain):	
DATA E	REVIEWED FOR JURISDICTIONAL DETERMINAT	ION (mark all that apply):
D.11.1.1	[X] Maps, plans, plots or plat submitted by or on behalf	• • • •
	[X] Data sheets prepared/submitted by or on behalf of the	
		dated December 2000, prepared by (company): Foster Wheeler
		dated December 2000, prepared by (company). Poster wheeler
	Environmental Corporation. [] This office does not concur with the delineation is	report, dated , prepared by (company):
	7 -	eport, dated , prepared by (company).
	[] Data sheets prepared by the Corps.	
	[] Corps' navigable waters' studies:	
	[] U.S. Geological Survey Hydrologic Atlas:	*** 1 1 1 1 1
	[X] U.S. Geological Survey 7.5 Minute Topographic ma	
	[] U.S. Geological Survey 7.5 Minute Historic quadran	
	[] U.S. Geological Survey 15 Minute Historic quadrang	
	[] USDA Natural Resources Conservation Service Soil	Survey:
	[] National wetlands inventory maps:	
	[] State/Local wetland inventory maps:	
	[] FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[] Aerial Photographs (Name & Date):	
	[X] Other photographs (Date):	
	[] Advanced Identification Wetland maps:	
	[] Site visit/determination conducted on:	
	[] Applicable/supporting case law:	
	Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) 2005-00673 FILE NUMBER: PROJECT LOCATION INFORMATION: State: New York County: Albany Center coordinates of site (latitude/longitude): lat:42-43-33.5280 lon:73-43-25.1400 Approximate size of area (pareel) reviewed, including uplands: 57 acres. Name of nearest waterway: wetlands HUDSON RIVER - POUGHKEEPSIE TO TROY Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Site visits [X]Dates:October 7, November 4, and November 22, 2005 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2.42 acres, including wetlands and 4,120 linear feet of stream channel. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the cbb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the cbb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The waters within the wetlands, and the stream channels, flow into an unnamed tributary, which flows into the Hudson River, which is considered a navigable water of the United States.

[X] (7) The presence of wetlands adjacent 2 to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFF	R parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] elear, natural line impressed on the bank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	() Valor.
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markin	ngs; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached we and Associates LLP	etland delineation map and/or in a delineation report prepared by:Ingalls
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to eonfirm the presence of waters in 33 Cl	R. part 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the	he basis of 33 CFR part 328.3(a)(3).
	n that the following waters present on the site are not Waters of
the United States:	
[] Waste treatment systems, including treatment p	onds or lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert	
[] Artificial lakes and ponds created by excavatin	
retain water and which are used exclusively for	r such purposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or othe	r small ornamental bodies of water created
by excavating and/or diking dry land to retain	
[] Water-filled depressions created in dry land inc	cidental to construction activity and pits excavated in dry land for
	iless and until the construction or excavation operation is
	ets the definition of waters of the United States found at 33 CFR
328.3(a).	
[X] Isolated, intrastate wetland with no nexus to in	iterstate eommerce.
	Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavat	
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETER	` ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' '
[X] Maps, plans, plots or plat submitted by or on beha-	
[X] Data sheets prepared/submitted by or on behalf of	
	, dated June 16, 2005, prepared by:Ingalls and Associates LLP
[] This office does not coneur with the delineation	n report, dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	· ·
[X] U.S. Geological Survey 7.5 Minute Topographic r	
[] U.S. Geological Survey 7.5 Minute Historic quadra	
[] U.S. Geological Survey 15 Minute Historie quadra	
[X] USDA Natural Resources Conservation Service So	oil Survey: Albany County Soil Survey
[] National wetlands inventory maps:	
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visits conducted on:October 7, November 4, a	and November 22, 2005
[] Applicable/supporting case law:	
[] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or πeighboring. Wetlands separated from other waters of the U.S. by maπ-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00776 PROJECT LOCATION INFORMATION: New York County: Essex Center coordinates of site (latitude/longitude): lat:44-19-32.9880 lon:74-6-30.9960 Approximate size of area (pareel) reviewed, including uplands: 2 acres. Name of nearest waterway: McKenzie Brook Name of watershed: **HUDSON RIVER - NORTH OF TROY** JURISDICTIONAL DETERMINATION Desktop determination Date: January 6, 2006 Completed: [x]Site visit(s) Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹.

- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign eommerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: McKenzie Brook is a tributary to Lake Flowe, which is a tributary to the Saranac River and Lake Champlain, a federally navigable waterway.

	Lateral Extent of Jurisdiction: (Reference: 33 CF	R parts 328 and 329)
	[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	[X] clcar, natural line impressed on the bank	[] oil or scum line along shore objects
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[] physical markings/characteristics
	[] destruction of terrestrial vegetation	[] tidal gages
	[] shelving	other:
	[] other:	[]
	[1]	
	[] Mean High Water Mark indicated by:	una [] vacatatian lines/ahangan in vacatatian tuma
	[] survey to available datum; [] physical marki	ngs; [] vegetation lines/changes in vegetation types.
	[X] Wetland boundaries, as shown on the attached v Flagged by APA	vetland delineation map and/or in a delineation report prepared by
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 C	FR part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on	the basis of 33 CFR part 328.3(a)(3).
	[] The Corps has made a case-specific determination	that the following waters present on the site are not Waters of
	the United States:	,
	[] Waste treatment systems, including treatment	ponds or lagoons, pursuant to 33 CFR part 328.3.
	[] Artificially irrigated areas, which would rever	
	Artificial lakes and ponds created by excavating	
	retain water and which are used exclusively for	or such purposes as stock watering, irrigation, settling basins, or
	rice growing.	
	[] Artificial reflecting or swimming pools or other	er small ornamental bodies of water created
	by excavating and/or diking dry land to retain	
		cidental to construction activity and pits exeavated in dry land for
		nless and until the construction or excavation operation is
		ets the definition of waters of the United States found at 33 CFR
	328.3(a).	
	[] Isolated, intrastate wetland with no nexus to in	iterstate commeree.
		e Natural Resources Conservation Service. Explain rationale:
	•	·
	[] Non-tidal drainage or irrigation ditches excava	ted on dry land. Explain rationale:
	[] Other (explain):	
DATA	REVIEWED FOR JURISDICTIONAL DETERMINA	
	[X] Maps, plans, plots or plat submitted by or on bel	
	[] Data sheets prepared/submitted by or on behalf of	
	[] This office eoncurs with the delineation report	
	[] This office does not concur with the delincation	on report, dated , prepared by (company):
	[] Data sheets prepared by the Corps.	
	[X] Corps' navigable waters' studies:	
	[] U.S. Geological Survey Hydrologic Atlas:	
	[] U.S. Geological Survey 7.5 Minute Topographic 1	maps:
	[] U.S. Geological Survey 7.5 Minute Historic quadr	rangles:
	[] U.S. Geological Survey 15 Minute Historic quadra	angles:
	[] USDA Natural Resources Conservation Service So	oil Survey:
	[] National wetlands inventory maps:	
	[] State/Local wetland inventory maps:	
	[] FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[] Aerial Photographs (Name & Date):	
	[] Other photographs (Date):	
	[] Advanced Identification Wetland maps:	
	[] Site visit/determination conducted on:	
	[] Applicable/supporting case law:	
	[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delinearion Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00843 PROJECT LOCATION INFORMATION: New York State: County: Ulster Center coordinates of site (latitude/longitude): lat:41-39-6.0120 lon:73-57-3.5280 Approximate size of area (parcel) reviewed, including uplands: 3.6 aeres. Name of nearest waterway: Unnamed Tributary Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Site visits [X]Date: October 5, 2005 Jurisdictional Determination (JD): [] Preliminary ID - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.90 acre. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or forcign commerce, including all waters which are subject to the cbb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, plava lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could he used by interstate or foreign travelers for recreational or other purposes.

[] (6) The presence of territorial seas.

[X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water of

[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetland on the site is associated with an unnamed tributary to the Hudson River, a navigable waterbody.

Lateral Extent of Jurisdiction: (Reference: 33 CFF	R parts 328 and 329)
[] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
l destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical marking	ngs; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached we Consulting, P.A.	etland delineation map and/or in a delineation report prepared by: Maser
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 Cl	
[] Headquarters declined to approve jurisdiction on t	
[] The Corps has made a case-specific determination the United States:	that the following waters present on the site are not Waters of
[] Waste treatment systems, including treatment p	onds or lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert	
[] Artificial lakes and ponds created by excavatin	
	r such purposes as stock watering, irrigation, settling basins, or
rice growing.	-
[] Artificial reflecting or swimming pools or othe	
by excavating and/or diking dry land to retain	
	eidental to construction activity and pits excavated in dry land for
	iless and until the construction or excavation operation is
	ets the definition of waters of the United States found at 33 CFR
328.3(a).	
[] Isolated, intrastate wetland with no nexus to in	
[] Prior converted cropland, as determined by the	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavat	red on dry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETER	
[X] Maps, plans, plots or plat submitted by or on beh	
[X] Data sheets prepared/submitted by or on behalf of	··
	t, dated January 2005, prepared by Maser Consulting, P.A.
[] This office does not concur with the delineation	n report, dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic	Drane'
[] U.S. Geological Survey 7.5 Minute Historic quadra	
[] U.S. Geological Survey 15 Minute Historic quadra	
[X] USDA Natural Resources Conservation Service Se	
[] National wetlands inventory maps:	31. 33. 103.
[X] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Namc & Date):	
[X] Other photographs (Date): January 2005	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: Oetober 5,	2005
[] Applicable/supporting case law:	
[] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach duncs, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)
FILE NUMBER: 2005-00963

PROJECT LOCATION INFORMATION:

State: New York County: Saratoga

Center coordinates of site (latitude/longitude): lat:43-4-41.0160 lon:73-50-21.9480

Approximate size of area (parcel) reviewed, including uplands: 20.52 acres.

Name of nearest waterway: Unnamed Tributary

Name of watershed: HUDSON RIVER - NORTH OF TROY

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Completed:	Desktop determination		[]	Date:
	Site visit	[X]	Date:Nov	vember 17, 2005

Jurisdictional Determination (JD):

[] Preliminary JD - Based on ava	ailable information, [] there a	ppear to be (or) [] t	here appear to be no '	"waters of the
United States" and/or "i	navigable waters of the United	d States" on the proje	ct site. A preliminar	y JD is not appealable
(Reference 33 CFR par	t 331).			

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 4.46 acres.
 - [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

 [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial scas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The waters within the wetlands drain into an unnamed tributary to the Mourning Kill, which drains into the Kayaderosseras Creek which is considered a navigable water of the United States.

Lateral Extent of	of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
	h Water Mark indicated by:	[] High Tide Line indicated by:
[] clear, natu	iral line impressed on the bank	[] oil or scum line along shore objects
[] the presen	ce of litter and debris	[] fine shell or debris deposits (foreshore)
	the character of soil	[] physical markings/eharacteristics
	n of terrestrial vegetation	[] tidal gages
[] shelving	•	[] other:
[] other:		
f 1 Man - 115-b M	Taxan Manda indicated have	
	Vater Mark indicated by: available datum: [1] physical marking	gs; [] vegetation lines/changes in vegetation types.
[X] Wetland bou and Assocaites, I		tland delineation map and/or in a delineation report prepared by:Ingalls
Basis For Not A	sserting Jurisdiction:	
[] The reviewed	area consists entirely of uplands.	
[] Unable to con	ifirm the presence of waters in 33 CF	R part 328(a)(1, 2, or 4-7).
[] Headquarters	declined to approve jurisdiction on th	e basis of 33 CFR part 328.3(a)(3).
[X] The Corps ha	as made a case-specific determination	that the following waters present on the site are not Waters of
the United Sta	ates:	
		onds or lagoons, pursuant to 33 CFR part 328.3.
	y irrigated areas, which would revert	
		g and/or diking dry land to collect and
		such purposes as stock watering, irrigation, settling basins, or
riee growin	-	11
		small ornamental bodies of water created
	ting and/or diking dry land to retain v	
		idental to construction activity and pits excavated in dry land for less and until the construction or excavation operation is
		ts the definition of waters of the United States found at 33 CFR
328.3(a).	and the resulting body of water meet	is the definition of waters of the Officed States found at 35 CFR
, ,	intrastate wetland with no nexus to in	terstate commerce
		Natural Resources Conservation Service. Explain rationale:
	drainage or irrigation ditches excavate	
[] Other (exp		of dry land. Explain fationale.
[] Other (exp	14 111).	
	FOR JURISDICTIONAL DETERM	• • • •
	plots or plat submitted by or on beha	
	orepared/submitted by or on behalf of	• •
		datedSeptember 7, 2005, prepared by: Ingalls and Associates, LLP
	does not concur with the delineation	report, dated , prepared by (company):
	epared by the Corps.	
	ble waters' studies:	
	al Survey Hydrologic Atlas:	
	eal Survey 7.5 Minute Topographic n	
	al Survey 7.5 Minute Historic quadra	
	al Survey 15 Minute Historie quadrar	
		il Survey:Saratoga County Soil Survey
	ands inventory maps:	
	etland inventory maps:	
	maps (Map Name & Date):	
	dplain Elevation is: (NGVD)	
	raphs (Name & Date):	
[] Other photogra		
	ntification Wetland maps:	
	ducted on: November 17, 2005	
	oporting case law:	
Other informa	tion (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., oeeurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, eontiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.